



September 17, 1999

Mr. Eric Bost
Commissioner
Texas Department of Human Services
P.O. Box 149030
Austin, Texas 78714-9030

OR99-2597

Dear Mr. Bost:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127391.

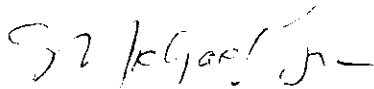
The Department of Human Services (the "department") received a request for information relating to the winning proposal for GT99001. The department acknowledges that its request was not made within the time period imposed by section 552.301. The information is therefore presumed public. Gov't Code §552.302. However, the department relates that release of the information implicates the interest of a third party. Where third party interests are at issue, compelling reasons for non-disclosure may overcome the presumption of openness. Open Records Decision No. 150 (1977).

Pursuant to section 552.305 of the Government Code, this office informed Xerox Business Services, the parties whose interests are implicated by the request, and provided it the opportunity to claim any exception to disclosure it may contend applies to the requested information, together with argument in support of any exception raised. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Government Code section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exceptions in certain circumstances). The notification stated that if this party did not respond within 14 days of receipt of the notice, this office will assume it has no privacy or property interest in the requested information. The party did not respond to this notice. As Xerox

Business Services has not shown how any exception to the Public Information Act applies to the requested information, we conclude that it must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 127391

Encl. Submitted documents

cc: Mr. Jim Drummonds
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